IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 8574 of 2001

Between:

B. Anil Kumar, S/o. B. Bheem,
R/o. H.No; 7-1-307/44/1/80, B.K. Guda,
S.R. Nagar, Hyderabad.

..... PETITIONER

AND

1 The Inspector of Police, S.R. Nagar Police Station,
S.R. Nagar, Hyderabad.
2 The Sub-Inspector of Police, S.R. Nagar Police Station,
S.R. Nagar, Hyderabad.
3 Mr. Satyanarayana, S/o. not known, aged Major,
R/o.7-1-304/6/1/A, Ravindranagar,
B.K. Guda, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ or direction particularly writ of mandamus declaring the action of respondent No.2 herein in calling and putting petitioner in illegal custody as arbitrary and illegal directing the respondent No.2 herein to pay compensation of Rs. 25,000/- to the petitioner and his family members and pass such other writ or direction in the circumstances of the case.

Counsel for the Petitioner: MR.P.RAJAGOPAL REDDY

Counsel for the Respondents: GP FOR HOME

The Court made the following :

ORDER:

The petitioner is a resident of B.K.Guda, Hyderabad. He filed the present writ petition seeking a declaration that the action of the respondents in calling the petitioner and detaining him is illegal and also for a direction to pay the compensation in a sum of Rs.25,000/-.

It is the case of the petitioner that the second respondent is sending the Police Constables to his house. The Police informed him that he had taken a loan of Rs.1,10,000/- from the third respondent and executed documents, but failed to pay the said amount. He also alleges that the second respondent detained him illegally without there being any crime against him.

The second respondent filed a counter affidavit denying the petitioner's averments. It is further stated that there is a dispute between the petitioner and the third respondent, but the Police never interfered in the dispute. The allegation that the second respondent summoned the petitioner and detained him is denied. The counter affidavit is filed before this Court on 21.11.2001, but no reply affidavit is filed denying the averments in the counter affidavit.

In view of the uncontroverted counter averments, the writ petition is misconceived. However, it is observed that unless and until, a cognizable offence is registered against the petitioner, the Police cannot in an arbitrary manner summon any citizen and detain in a Police Station.

The writ petition, with the above observation, is accordingly dismissed. No costs.

_____

(V.V.S.RAO, J)

21.06.2005

vs

To

1 The Inspector of Police, S.R. Nagar Police Station,
S.R. Nagar, Hyderabad.
2 The Sub-Inspector of Police, S.R. Nagar Police Station,
S.R. Nagar, Hyderabad.
3 2 CCs to the Government Pleader for Revenue, High Court of A.P.,

Hyderabad (OUT).

4 2 CD copies.